B+(Official Form 1)(1/0 Case 11-10725-lbr Doc 1 Entered 01/19/11 13:47: Page 1 of 12 United States Ba FOR THE DISTRICT OF NEVADA Voluntary Petition Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): John W. All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): NONE N/ALast four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): (if more than one, state all): xxx-xx7708 Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 4977 Gingerlyn St N/A Las Vegas, Nv 89122-0824 ZIP CODE County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): SAME N/A ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): SAME ZIP CODE Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box.) the Petition is Filed (Check one box.) (Check one box.) Health Care Business Chapter 15 Petition for Chapter 7 Individual (includes Joint Debtors)  $\bar{\Box}$ Single Asset Real Estate as defined in Chapter 9 Recognition of a Foreign See Exhibit D on page 2 of this form. 11 U.S.C. § 101(51B) Chapter 11 Main Proceeding Corporation (includes LLC and LLP) Railroad Chapter 12 Chapter 15 Petition for Partnership Stockbroker Chapter 13 Recognition of a Foreign Other (If debtor is not one of the above entities, Commodity Broker Nonmain Proceeding check this box and state type of entity below.) Clearing Bank Other Nature of Debts (Check one box.) Tax-Exempt Entity (Check box, if applicable.) Debts are primarily consumer Debts are primarily debts, defined in 11 U.S.C. business debts. Debtor is a tax-exempt organization § 101(8) as "incurred by an under Title 26 of the United States individual primarily for a Code (the Internal Revenue Code). personal, family, or household purpose." Filing Fee (Check one box.) Chapter 11 Debtors Check one box: Full Filing Fee attached. Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to Filing Fee waiver requested (applicable to chapter 7 individuals only). Must insiders or affiliates) are less than \$2,190,000. attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes: A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b) Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. **Estimated Number of Creditors** □ 50-99 п 1-49 10.-199 200-999 1,000-5,001-10,001-25,001-50,001-5,000 10,000 25,000 50,000 100,000 19 Estimated Assets \$100 701 to \$0 to \$50,001 to \$500,001 \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$500,000,001 Moreothan \$50,000 \$100,000 \$500,000 to \$1 to \$10 to \$50 to \$100 to \$500 to \$1 billion S1-billion million million million million million Estimated Liabilities \$10° 001 to п \$0 to \$50,001 to \$500,001 \$1,000,001 \$10,000,001 \$100,000,001 \$50,000,001 \$500,000,001 More than

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Voluntary Pet		Name of Debtor(s):	
(This page mus.	t be completed and filed in every case.)	John W. Bill	
Location	All Prior Bankruptcy Cases Filed Within Last 8 Y	ears (If more than two, attach add Case Number:	itional sheet.)  Date Filed:
Where Filed:			Date I liva.
Location Where Filed:		Case Number:	Date Filed:
3	Pending Bankruptcy Case Filed by any Spouse, Partner, or Affil	iate of this Debtor (If more than	one, attach additional sheet.)
Name of Debto	r: None	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A		Exhibit B
10Q) with the S	ed if debtor is required to file periodic reports (e.g., forms 10K and Securities and Exchange Commission pursuant to Section 13 or 15(d) s Exchange Act of 1934 and is requesting relief under chapter 11.)  N/A	I, the attorney for the petitioner have informed the petitioner that 12, or 13 of title 11. United available under each such chapt debtor the notice required by 11	eted if debtor is an individual are primarily consumer debts.)  named in the foregoing petition, declute the consumer and in the foregoing petition, declute the consumer chap are states. Code, and have explained the consumer consumer that I have delivered.
☐ Exhibit A	is attached and made a part of this petition.	xN/A	<u> </u>
		Signature of Attorney for De	ebtor(s) (Date)
	Exhibit	С	
Does the debtor	own or have possession of any property that poses or is alleged to pose	a threat of imminent and identifial	ple harm to public health or safety?
_	Exhibit C is attached and made a part of this petition.		,
_	Extract C is attached and made a part of this petition.		
No.			
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Signature of bankruptcy petition preparer or officer, principal, responsible person, or

Names and Social-Security numbers of all other individuals who prepared or assisted

in preparing this document unless the bankruptcy petition preparer is not an

If more than one person prepared this document, attach additional sheets conforming

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or

partner whose Social-Security number is provided above.

to the appropriate official form for each person.

both. 11 U.S.C. § 110; 18 U.S.C. § 156.

individual.

Code, specified in this petition.

Signature of Authorized Individual

Title of Authorized Individual

Printed Name of Authorized Individual

N/A

Date

		United States Bankruptcy Court District of Nevada	
In re:	Bill , John W.	CHAPTER: Chapter 13	·····
		Debtor(s). CASE NO.:	

Page 4 of 12

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.].

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

- □ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
  - □ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
  - □ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
  - Active military duty in a military combat zone.
  - □ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor:

John W. Bill

Date: \_\_1/12/2011

Certificate Number: 00981-NV-CC-013542968



## **CERTIFICATE OF COUNSELING**

I CERTIFY that on January 11, 2011, at 1:02 o'clock PM CST, John Bill received from Credit Advisors Foundation, an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the District of Nevada, an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet.

Date: January 11, 2011 By: /s/Sam Hohman

Name: Sam Hohman

Title: President, CEO

\* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

# UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

# NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

#### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

I hereby certify that I delivered to the de	btor this notice required by § 342(b) of the Bankruptcy Co	de.
None	Y	
Printed Name of Attorney	Signature of Attorney	Date
I (We), the debtor(s), affirm that I (we) h	Certificate of Debtor	
John W. Bill	ave received and read this notice.	er.
Printed Name(s) of Debtor(s)	Signature of Debtor	1/12/2011 Date
Case No. (if known)	X	
	Signature of Joint Debtor (if any)	Date

### UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

				<b>\</b>
In re:				) Bankruptcy No.:
John	W.	Bill		) Chapter 13
				) VERIFICATION OF CREDITOR
				) MATRIX
				)
			Debtor(s).	)
_				)

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date	1/12/2011
_	
Date _	

Signature John W. Bill

John W. Bill 4977 Gingerlyn St Las Vegas, Nv 89122-0824

United States Trustee 300 Las Vegas Boulevard South Las Vegas, NV 89101 (702) 388-6257

Countrywide Bank, FSB. 2112 Business Center Drive 2nd Floor Irvine, CA 92512 John W. Bill 4977 Gingerlyn St Las Vegas, Nv 89122-0824

## **List of Creditors**

**Amount Owed** 

Countrywide Bank, FSB. 2112 Business Center Drive 2nd Floor Irvine, CA 92512 \$238,320.65